

Originally Processed With FOIA(s):
2005-0336-F

FOIA Number:
2005-0336-F

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Series: O'Neil, John F., Files
Subseries: Russia Subject Files

OA/ID Number: 62093
Folder ID Number: 62093-002

Folder Title:
Legal Status Agreements

Stack:	Row:	Section:	Shelf:	Position:
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United States Department of State

The Legal Adviser

Washington, D.C. 20520

February 12, 1992

Ms. Michelle Van Cleave
General Counsel
Office of Science and Technology Policy
Washington, D.C. 20506

Dear Ms. Van Cleave:

This is in response to your letter of January 9 requesting guidance on the legal status of the U.S.-U.S.S.R. Agreement on Cooperation in the Field of Basic Scientific Research. We have taken the position that each state that was a republic of the Soviet Union continues to be bound (as do we) by international agreements between the United States and the Soviet Union, including the Basic Sciences Agreement, subject to exceptions when the application of an agreement would be inconsistent with its object and purpose or would radically change the conditions for its operation. In our preliminary review of U.S.-Soviet scientific agreements, we have not found reason to believe that continuation of the Basic Sciences Agreement with any republic would be subject to these exceptions. We would welcome OSTP's views on this issue.

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We have not heard that the Commonwealth will assert competence to enter into international agreements in the area of basic scientific research.

Please feel free to contact me with any further questions.

Sincerely yours,

Edwin D. Williamson

Please discuss
with Tom
Ratchford and,
if he agrees,
proceed.

DAB 2/24

Document Originally
Attached to
Following Page

Read this and eat it
before anyone finds it.

John
Pls hold, pending
Tom's concurrence.

-M

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

February 24, 1992

MEMORANDUM FOR **D. ALLAN BROMLEY**
J. THOMAS RATCHFORD

FROM: MICHELLE K. VAN CLEAVE *mkv*

SUBJECT: STATUS OF U.S.-U.S.S.R. BASIC SCIENCES AGREEMENT

I have just received a response from State/Legal on the status of the U.S.-U.S.S.R. Basic Sciences agreement, which is attached, along with a copy of my memo. I know of nothing that would bring the Basic Sciences agreement within the exceptions noted in the first paragraph; do you?

With your approval, I would like to send copies of this letter to the Executive Agents of the other U.S.-U.S.S.R. S&T agreements, so they might consider the status of those agreements in light of Department of State's guidance.

Attachments



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Edwin D. Williamson

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

January 9, 1992

MEMORANDUM FOR EDWIN D. WILLIAMSON
THE LEGAL ADVISER
DEPARTMENT OF STATE

FROM: MICHELLE K. VAN CLEAVE 
GENERAL COUNSEL

SUBJECT: GUIDANCE ON STATUS OF INTERNATIONAL AGREEMENT
WITH FORMER SOVIET UNION

As Executive Agent of the U.S.-U.S.S.R. Agreement on Cooperation in the field of Basic Scientific Research, the Office of Science and Technology Policy requests guidance on the legal status of that agreement given the dissolution of the U.S.S.R. In particular, is it your opinion that the new Russian Federation has succeeded to the rights and duties of the former signatory? If so, what are the implications for our dealings with the other Republics? If not, is the agreement still binding and if so, on whom? And what is the status of the Commonwealth as a potential treaty partner?

I understand your office is working on general guidance on these and other international legal implications of the breakup of the Soviet Union. I know of no special circumstances that would distinguish the legal status of the Basic Sciences Agreement from that of other agreements concluded with the former U.S.S.R., and so I hope this inquiry will not impose any additional burden on you, and can be answered as part of that more general review. Thank you for your help.

MKV

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

February 24, 1992

Michelle,
I made a copy.
Thanks,
bh

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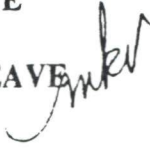
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Backlog - disk

February 24, 1992

MEMORANDUM FOR D. ALLAN BROMLEY

FROM: JOHN F. O'NEIL

SUBJECT: LEGAL STATUS OF S&T AGREEMENTS WITH EMERGING
STATES IN THE FORMER SOVIET UNION

I have learned the following additional information from State on the status of our bilateral S&T agreements with the states of the former Soviet Union. In theory all new states have succeeded to all agreements. In the future, each country will be reviewed individually. This review will begin with Russia and Ukraine. Then talks will be held with each state to determine mutually which agreements will be continued.

Russia has formally informed the US that they will succeed to all agreements. The other states did so en masse at a meeting in Alma Ata.

Legally, there is no requirement to sign any new documents to accomplish the actions outlined above. No formal decision has been taken yet on this point. Alternatives include:

- signing a document to continue selected agreements;
- signing a document to discontinue select agreements; and
- not signing any new documents.

In the interim, we should act as if the agreements are in effect.

POC STATE: Robert Dalton



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